

REPORT OF THE COMMITTEE ON ZONING, PLANNING AND HOUSING

Voting Members:

Ron Menor, Chair; Tommy Waters, Vice-Chair;
Brandon J.C. Elefante, Ann H. Kobayashi, Joey Manahan

Committee Meeting Held
February 6, 2020

Honorable Ikaika Anderson
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning, Planning and Housing to which was referred Resolution 20-21 entitled:

"RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA (SMA) USE PERMIT FOR IMPROVEMENTS AT THE ALA MOANA REGIONAL PARK AND MAGIC ISLAND, AS DESCRIBED IN THE FINAL ENVIRONMENTAL IMPACT STATEMENT, ACCEPTED ON AUGUST 12, 2019, AT 1141, 1201, 1365, 1401, and 1605 ALA MOANA BOULEVARD WITHIN THE SMA,"

as transmitted by Departmental Communication 33 (2020), from the Department of Planning and Permitting ("DPP"), dated January 17, 2020, reports as follows:

The purpose of Resolution 20-21 is to grant a Special Management Area Use Permit ("SMP") to the City Department of Design and Construction ("Applicant") to allow for improvements at the Ala Moana Regional Park and Magic Island (the "Park"), as described in the 10-year Master Plan and Final Environmental Impact Statement ("FEIS") accepted by the Mayor on August 12, 2019, on five parcels totaling 119 acres in the P-2 General Preservation District, and located at 1141, 1201, 1365, 1401, and 1605 Ala Moana Boulevard, Honolulu, Oahu (the "Project").

Your Committee notes that the DPP, after a public hearing held on December 18, 2019, recommends approval of the SMP subject to the conditions set forth in the Resolution.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **FEB 19 2020**

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At your Committee's meeting on February 6, 2020, the DPP Acting Director, the Director of Parks and Recreation, and the Director of Design & Construction testified in support of the Resolution. All departments stated that the Administration supports amendments in a hand-carried CD1 proposed by Councilmember Kobayashi to delete from the Project improvements for a dog park, playground, and the reconfiguration of parking on the mauka side of Ala Moana Park Drive. The Applicant's agent and consultant provided additional information on the Project.

The Outdoor Circle, Save Ala Moana Beach Park Hui, and two individuals supported Councilmember Kobayashi's proposed CD1. Malama Moana and four individuals offered comments on the Resolution.

Your Committee received written testimony from Kakaako United, KAHEA: The Hawaiian-Environmental Alliance, Protect Our Ala Wai Watersheds, Free Access Coalition, and 39 individuals in opposition to the original form of the Resolution; and five individuals in support of Councilmember Kobayashi's proposed CD1. Historic Hawaii Foundation, Save Ala Moana Beach Park, and one individual submitted comments on the Resolution.

After discussion, your Committee amended the Resolution to the hand-carried CD1 proposed by Councilmember Kobayashi, which makes the following amendments:

A. Separates the first WHEREAS clause into two separate WHEREAS clauses:

1. In the first WHEREAS clause, adds TMK 2-3-037:002, which was inadvertently omitted from the Resolution (Ala Moana Regional Park and Magic Island are comprised of five parcels); and

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2. In the second WHEREAS clause, adds reference to improvements in the Park's 10-year Master Plan.
 - B. Adds January 21, 2020 as the date the Council received the DPP's findings and recommendation by Departmental Communication 33 (2020).
 - C. In Condition A, provides that the Park improvements, except for the dog park, the playground, and the reconfiguration of parking on the mauka side of Ala Moana Park Drive, must be in general conformity with the Project as represented in the Master Plan and the FEIS, and as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A through I.
 - D. In Condition B, clarifies that prior to the issuance of any development permit for construction work or tree removal that would impact historic features of the Park, the Applicant is required to provide the DPP with written confirmation of the State Historic Preservation Division's ("SHPD's") review and approval of the construction work or tree removal.
 - E. Deletes Conditions G, H, and I relating to the dog park, and adds a new Condition G, which removes from the SMA Use Permit approval the construction of the dog park, the construction of the playground, and the reconfiguration of the parking on the mauka side of Ala Moana Park Drive. Renumbers subsequent conditions.
 - F. Clarifies Condition E relating to sand nourishment.
 - G. In Condition F, clarifies that prior to the issuance of any development permit for new paved areas, the Applicant is required to submit to the DPP for review and approval a tree disposition plan for the area.
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- H. Clarifies Condition K relating to protection of the white tern and Hawaiian hoary bat habitats during construction.
- I. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds, pursuant to HRS Section 205A-26 and ROH Section 25-3.2, and in agreement with the conclusion of the DPP in Departmental Communication 1 (2020), that:

- 1. The development, as conditioned, will not have any substantial adverse environmental or ecological effect, either alone or cumulatively with other projects.
- 2. The development is consistent with the objectives and policies set forth in ROH Section 25-3.1 and HRS Section 205A-2, and area guidelines contained in ROH Section 25-3.2 and HRS Section 205A-26.
- 3. The development is consistent with the County General Plan, development plans, zoning, and other applicable ordinances.

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Your Committee on Zoning, Planning and Housing is in accord with the intent and purpose of Resolution 20-21, as amended herein, and recommends its adoption in the form attached hereto as Resolution 20-21, CD1. (Ayes: Elefante, Kobayashi, Menor, Waters – 4; Ayes with reservations: None; Noes: None; Excused: Manahan – 1.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **FEB 19 2020**

COMMITTEE REPORT NO. **65**



RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR IMPROVEMENTS
AT THE ALA MOANA REGIONAL PARK AND MAGIC ISLAND.

WHEREAS, on November 4, 2019, the Department of Planning and Permitting ("DPP") accepted the application (DPP Reference Number 2019/SMA-36) from the City and County of Honolulu, Department of Design and Construction (the "Applicant") for a Special Management Area ("SMA") Use Permit to make improvements at the Ala Moana Regional Park and Magic Island ("Park"), situated on a City-owned five-parcel site zoned P-2 General Preservation District, located at 1141, 1201, 1365, 1401, and 1605 Ala Moana Boulevard, Honolulu, Oahu, and identified as Tax Map Keys 2-3-037: 001, 002, 022, 023, and 025 (the "Project"); and

WHEREAS, the Park improvements are described in the 10-year Master Plan (the "Master Plan"), which is the subject of a Final Environmental Impact Statement ("FEIS") accepted by the Mayor on August 12, 2019; and

WHEREAS, on December 18, 2019, the DPP held a public hearing, which was attended by representatives of the Applicant and its agent, DPP staff members, and approximately 40 members of the public; testimony was offered by 18 members of the public at the hearing; and

WHEREAS, on January 17, 2020, within 20 working days after the close of the public hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines established in Sections 25-3.1 and 25-3.2 of the Revised Ordinances of Honolulu ("ROH"), and Sections 205A-2 and 205A-26 of the Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation of approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on January 21, 2020, by Departmental Communication 33 (2020), and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that a SMA Use Permit be issued to the Applicant, subject to the following conditions:

- A. The Park improvements, except for the dog park, the playground, and the reconfiguration of parking on the mauka side of Ala Moana Park Drive, must be in general conformity with the Project as represented in the Master Plan and the



RESOLUTION

FEIS, and as described the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A through I, attached hereto and incorporated herein by this reference. Any change in the size or nature of the approved Project that may have a significant effect on coastal resources addressed in ROH Chapter 25, or HRS Chapter 205A, or both, will require a new application and SMA Use Permit. Any change that does not have a significant effect on coastal resources will be considered a minor modification and are therefore permitted under this resolution, upon review and approval by the DPP Director.

- B. Prior to the issuance of any development permit for construction work or tree removal that would impact historic features of the Park, the Applicant shall provide the DPP with written confirmation of the Department of Land and Natural Resources, State Historic Preservation Division's ("SHPD's") review and approval of the construction work or tree removal.
- C. Prior to the submittal of any building permit applications for any new structures exceeding 7,500 square feet of floor area, the Applicant shall submit to the DPP for review and approval preliminary plans that reflect compliance with applicable conditions in this SMA Use Permit, and based on the preliminary plans, the DPP Director must determine that the new structure has no significant impact on coastal resources.
- D. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered, the Applicant shall stop work, protect the find from further disturbance, and contact SHPD immediately. Work in the immediate area must be stopped until SHPD is able to assess the impact and make further recommendations for mitigative activity.
- E. Prior to the issuance of a minor shoreline structure permit for sand nourishment, the Applicant shall submit to the DPP for review and approval:
 - 1. A monitoring program, which must be in place throughout the various phases of sand nourishment activities, to monitor and protect environmental resources (such as flora, fauna, and wave action) that are important to Hawaiian cultural activities and practices (such as fishing, gathering of shells and invertebrates, canoe paddling, and surfing);
 - 2. A schedule of sand nourishment activities designed to limit the closure of shoreline areas only to those areas minimally necessary to protect public safety; and



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3. A study confirming that sand contamination testing was conducted prior to sand collection, and that the tests confirm that the sand collected is appropriate for sand nourishment use, and does not place the public or coastal ecosystem at risk from pollution or contamination.

When approved, the monitoring program, schedule, and study, must be publicly available from the DPP.

- F. Prior to the issuance of any development permit for new paved areas, the Applicant shall submit to the DPP for review and approval a tree disposition plan for the area. Tree removal must be avoided if possible, and if trees are removed, they must be relocated on-site or replaced.
- G. The Applicant shall not construct the dog park, reconfigure the parking on the mauka side of Ala Moana Park Drive, or construct the playground, as represented in the Master Plan, the FEIS, and the Exhibits attached hereto.
- H. Artificial light from exterior light fixtures, including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, are prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b).
- All outdoor light fixtures must be fully shielded with the light directed downward so that the light bulb is only visible from below the light fixture. This requirement must be reflected in the plans submitted with the Project's building permit application. All outdoor lights must be of a color temperature of 3,000K or less.
- I. To protect the white tern and Hawaiian hoary bat habitats during construction, the Applicant shall take special care when trimming, relocating, or removing Park trees. Woody plants greater than 15 feet in height must not be disturbed, trimmed, or removed during the bat birthing and pup rearing season from June 1 through September 15. Any tree removal must be conducted in the fall and early winter. Trees must be inspected prior to trimming or removal, and if there are signs that white terns may be nesting or that Hawaiian hoary bats may be roosting in a tree, trimming or removal of the tree must be delayed until the white tern chicks have fully fledged, or the Hawaiian hoary bats have finished roosting.
- J. Approval of this SMA Use Permit does not constitute compliance with Land Use Ordinance ("LUO") or other government agency requirements, including but not limited to building, grading, and grubbing permit approvals, and approval for



RESOLUTION

activities within the shoreline setback area. They are subject to separate review and approval. The Applicant will be responsible for insuring that the final plans for the Project approved under this SMA Use Permit comply with all applicable LUO and other governmental provisions and requirements.

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Mark Yonamine, P.E., Director Designate, Department of Design and Construction, 650 South King Street, 11th Floor, Honolulu, Hawaii 96813; Kathy K. Sokugawa, Acting Director, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; and Mary Alice Evans, Director, State of Hawaii Office of Planning, Attention: Coastal Zone Management Branch, P. O. Box 2359, Honolulu, Hawaii 96804.

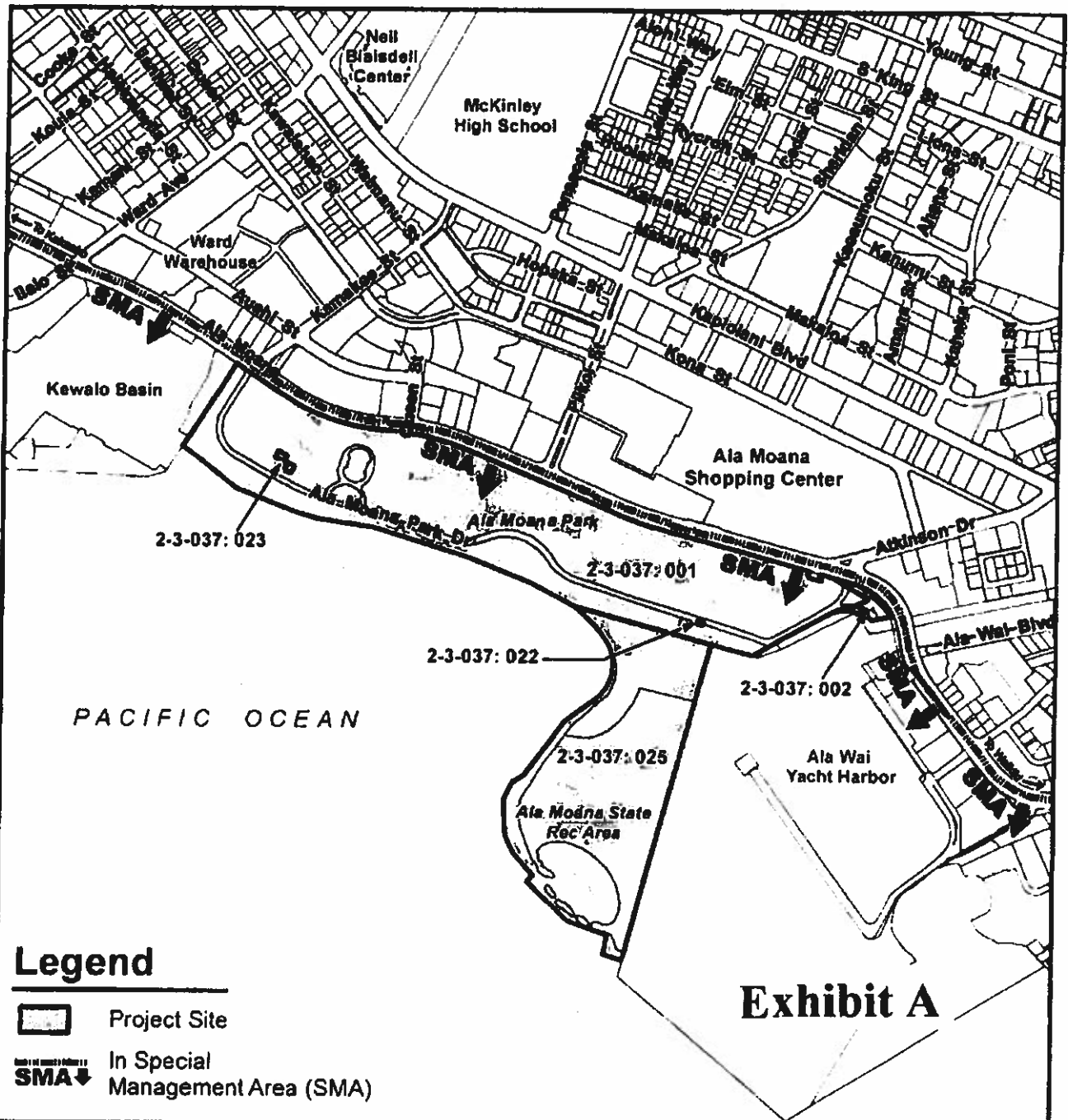
INTRODUCED BY:

Ikaika Anderson (br)

DATE OF INTRODUCTION:

January 23, 2020
Honolulu, Hawaii

Councilmembers



Legend

-  Project Site
-  In Special Management Area (SMA)

Exhibit A



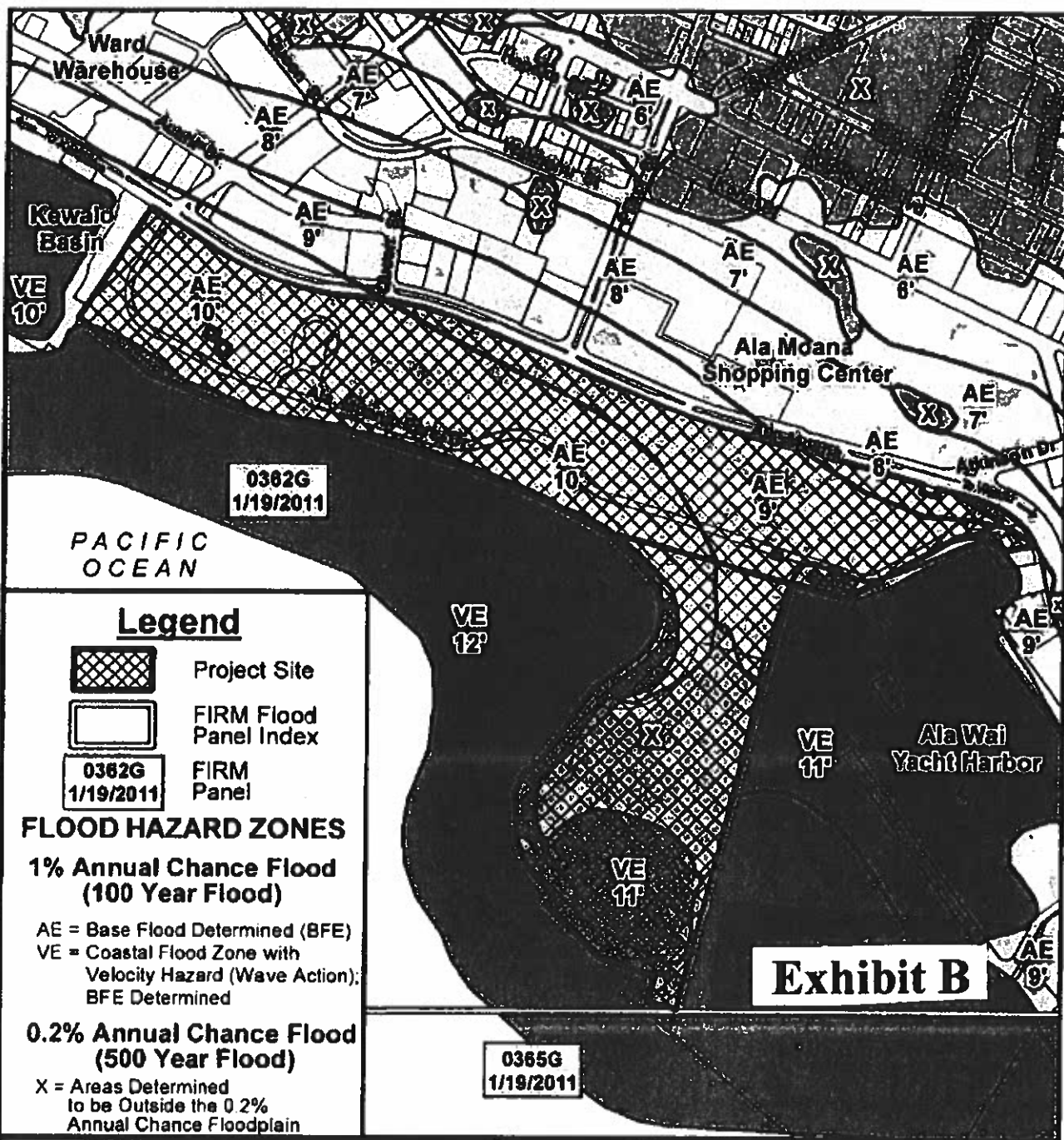
1,000 500 0 1,000
Scale in Feet



LOCATION MAP WITH SMA ALA MOANA PARK AND AINA MOANA STATE PARK, HONOLULU

TAX MAP KEY(S): 2-3-037: 001, 002, 022, 023,
& 025

FOLDER NO.: 2019/SMA-36



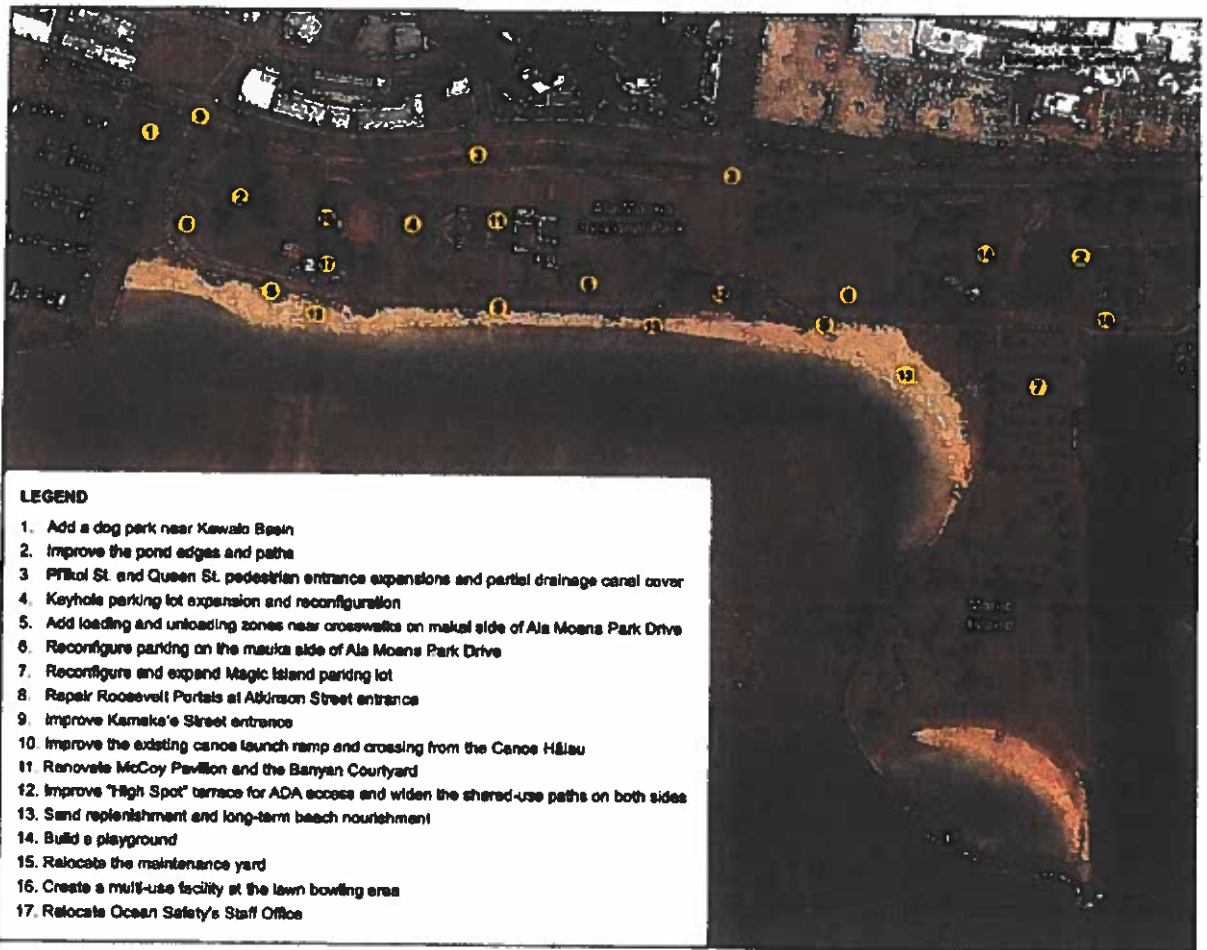
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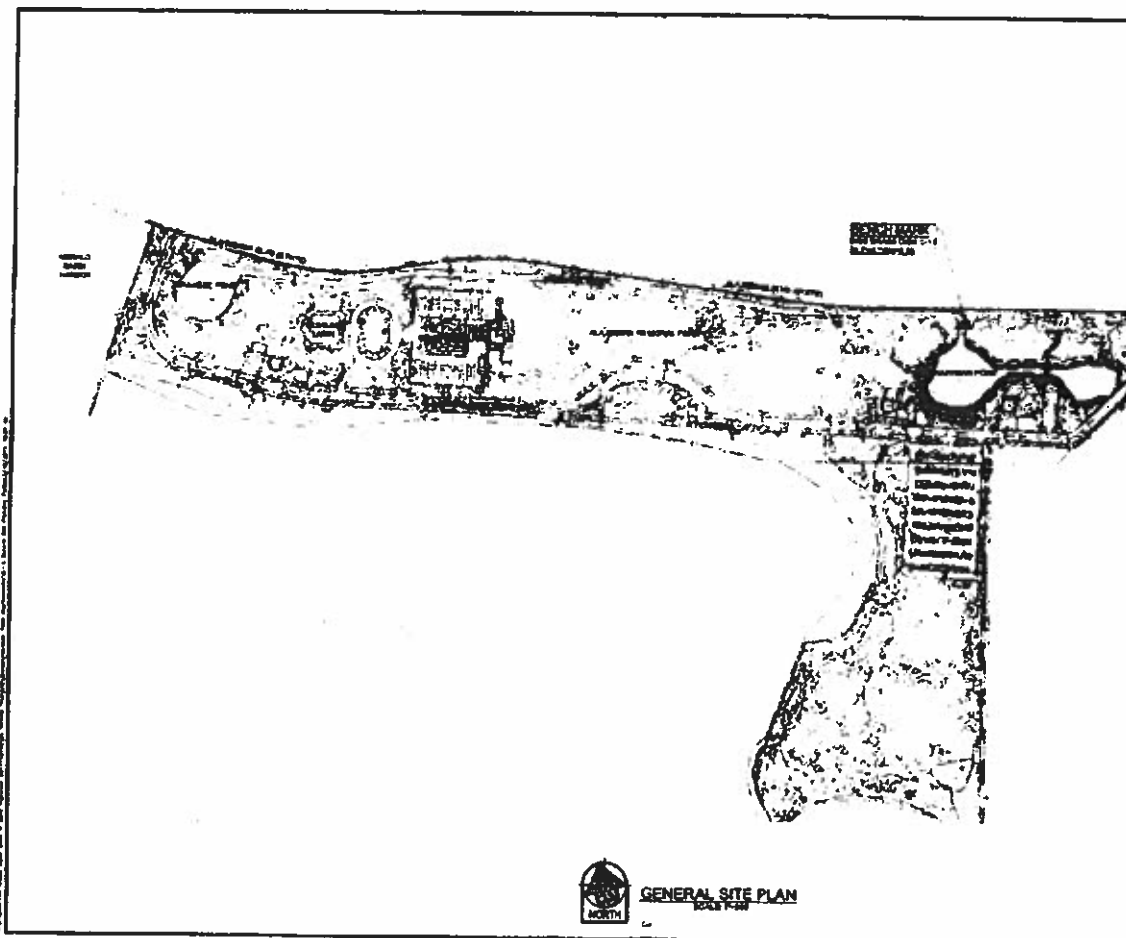


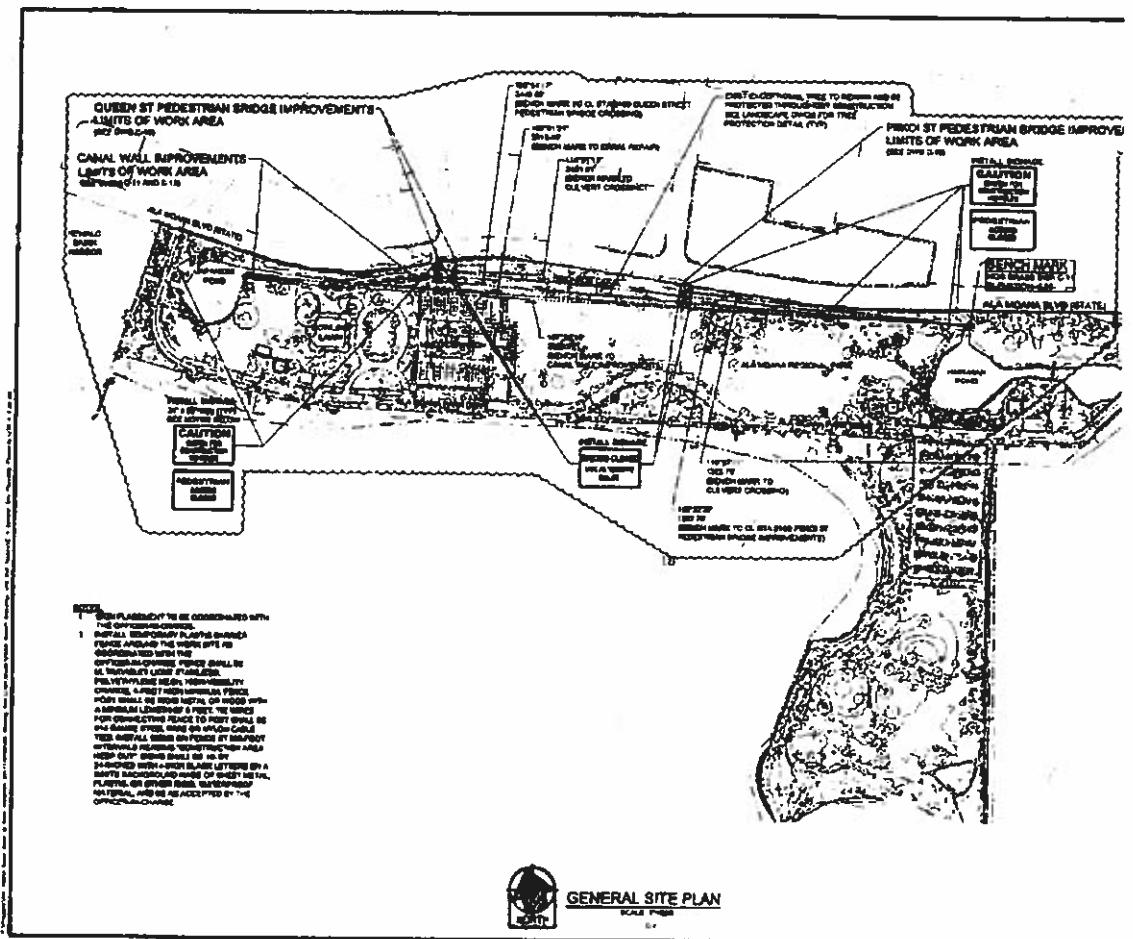
**PORTION OF
 FLOOD HAZARD MAP
 FIRM PANELS 0362G & 0365G
 Dated 1/19/2011**

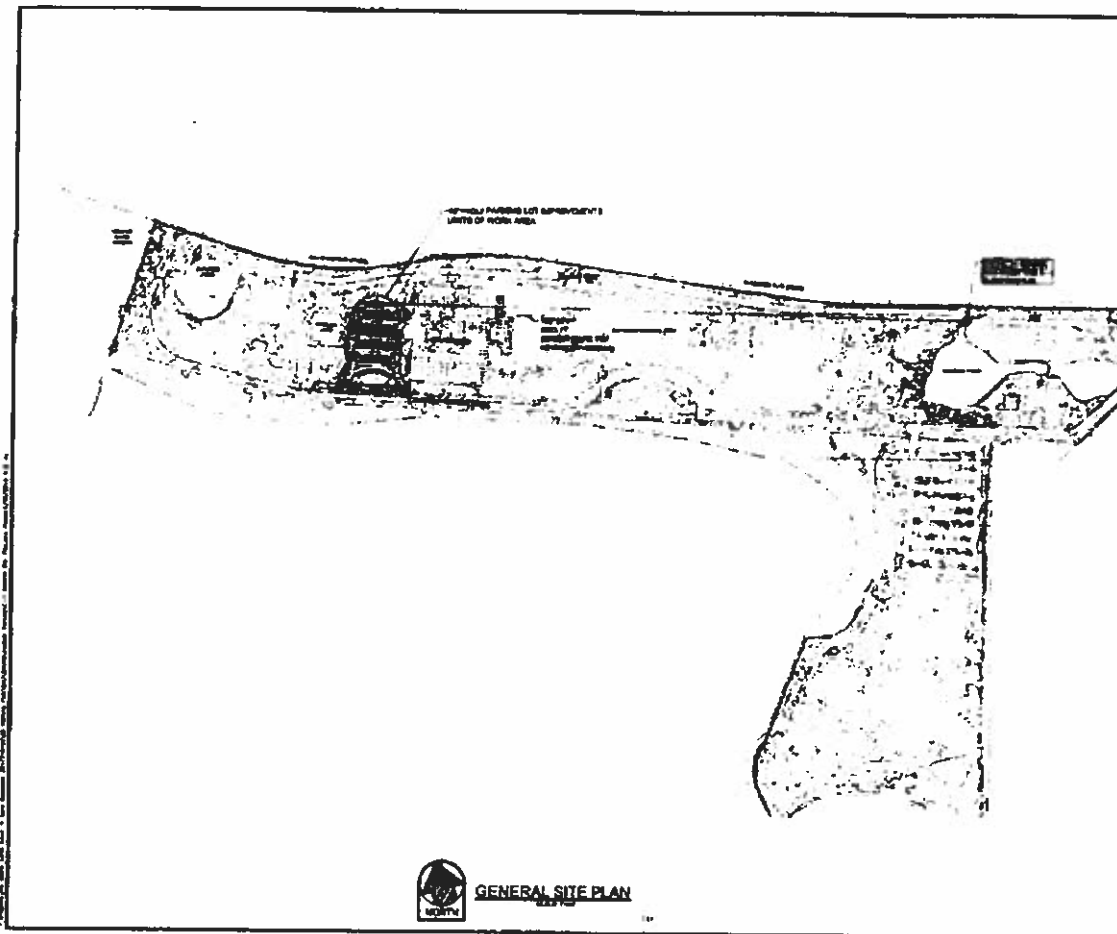
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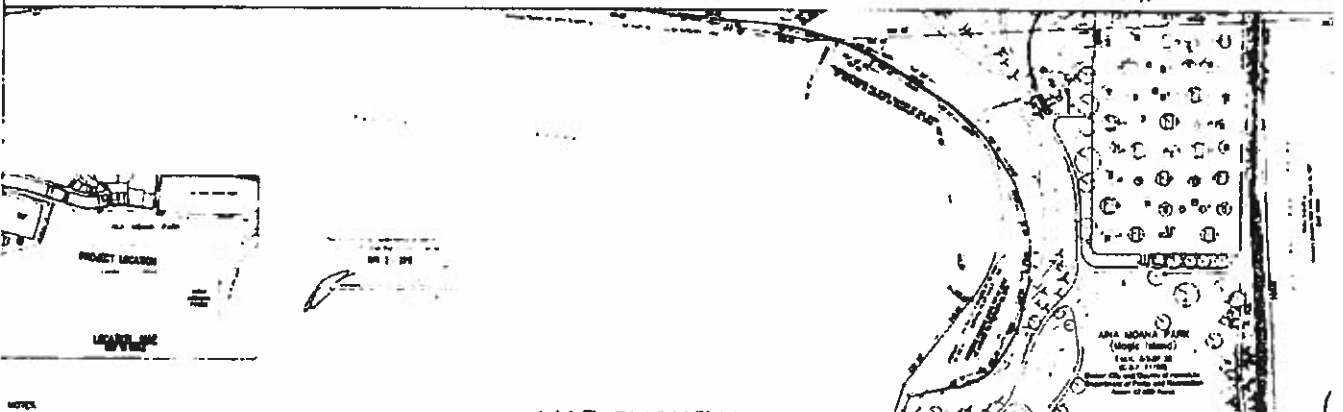
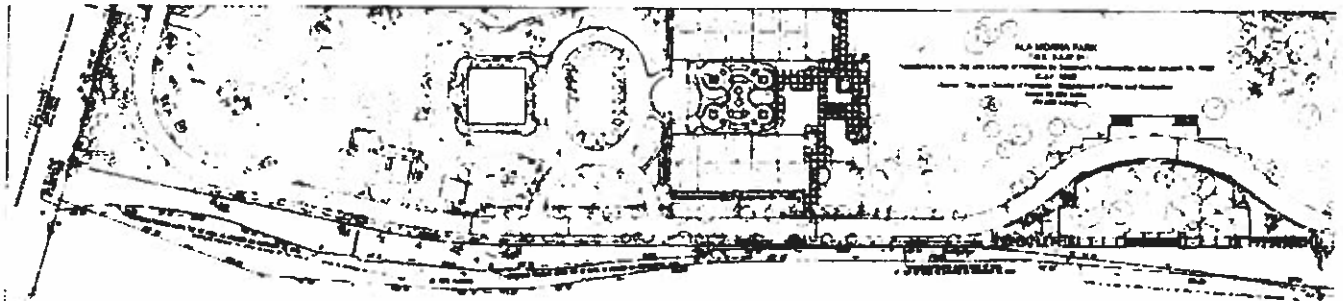
FOLDER NO.: 2019/SMA-36











NOTES:
 1. LULUWA STREET TO KUKULUWAO STREET, HONOLULU, HAWAII
 2. LULUWA STREET TO KUKULUWAO STREET, HONOLULU, HAWAII
 3. LULUWA STREET TO KUKULUWAO STREET, HONOLULU, HAWAII
 4. LULUWA STREET TO KUKULUWAO STREET, HONOLULU, HAWAII

DATE: MARCH 1, 2010
 TEL: 808-525-1414
 FAX: 808-525-1414

MAP SHOWING SHORELINE
FRONTING ALA MOANA PARK AND AINA MOANA PARK
AT KUKULUWAO AND KALIA, HONOLULU, OAHU, HAWAII
 OWNER: CITY AND COUNTY OF HONOLULU - DEPARTMENT OF PARKS AND RECREATION
 PROJECT ADDRESS: 1000 LULUWA STREET, SUITE 300

6.00